

### AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to sheets 1/9, 3/9, 4/9, 5/9, 6/9 and 7/9. These sheets, which includes Figure 1 and 3-7, replaces the original sheets 1/9, 3/9, 4/9, 5/9, 6/9 and 7/9, respectively, including Figures 1 and 3-7.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

## REMARKS

These remarks and the accompanying amendment are responsive to the Office Action made final and dated September 15, 2005 (hereinafter, the "Office Action"). Claims 2-5, 7-26 and 28-48 were pending at the time of the last examination. By this amendment, Claims 16 and 17, leaving Claims 2-5, 7-26 and 28-48 still pending. Reconsideration and allowance for the above-identified application are now respectfully requested in light of these remarks and the accompanying amendments.

Section 2 of the Office Action objected to the drawings indicating that all blocks in the Figures 1 and 3-7 should be labeled with descriptive legends. The drawings are amended herein to include descriptive legends.

Section 3 of the Office Action objected to Claims 16 and 17 due to several informalities which are now corrected by the amendments made herein to Claims 16 and 17.

The applicants continue to maintain all arguments set forth in the prior response to the Office Action. For at least the reasons that have already been provided, the Applicants' submit that the 35 U.S.C. 102(a) rejection of the Claims should be withdrawn. The Applicants will now address why the statements provided in Section 6 of the Office Action regarding "Response to Amendment/Arguments" do not serve to weaken the Applicants' arguments provided in the prior response to the prior office action.

Specifically, the Office Action states as follows:

In regard to claims 2-3 and 28-29, Applicant argues that Johnson fails to disclose the system and method for judging the request for the channel assignment for the service area based on the TDD method or the FDD method and "*a handover frequency of the mobile station related to the request*" for assigning the channel.

Examiner respectfully disagrees. Johnson does disclose system and method for allocating resources to the terminal in response to the criteria used in the system such as 'circumstances and characteristics' of the cellular telephone as disclosed in col. 9, lines 15-25; which determine by the weighted values corresponding to the velocity and position of the cellular telephone in within macrocell, microcell, and picocell, e.g. "*a handover frequency of the mobile station related to the request*", as disclosed in col. 9, lines 41-43; col. 10, lines 11-16 (For example see Figs. 8-9) in determining whether the TDD or FDD scheme is allocated disclosed in col. 10, lines 34-41. Therefore, Examiner concludes that Johnson teaches the arguable feature.

However, basing on the handover frequency of the cellular telephone which is a value relating to the history, is different from basing on the velocity of the cellular telephone which is an instant value. That is, even if the (instant) velocity of the cellular telephone is high, the cellular telephone has not necessarily moved frequently, and therefore, the handover frequency of the cellular telephone is not necessarily high.

Therefore, the present invention of claims 2-3 and 28-29 is not anticipated by nor rendered unpatentable over Johnson (EP 0975184 A1).

Further, in Claims 2 and 28, a channel for a service area based on a FDD method is assigned, if a handover frequency is high, while in Johnson, there is no description regarding which method is assigned, if the velocity of the cellular telephone is high. Therefore, also from this point of view, Claims 2 and 28 has novelty and non-obviousness over Johnson.

Further, in Claims 3 and 29, a channel for a service area based on a TDD method is assigned, if a handover frequency is low, while in Johnson, there is no description regarding

which method is assigned, if the velocity of the cellular telephone is low. Therefore, also from this point of view, Claims 3 and 29 has novelty and non-obviousness over Johnson.

The Office Action continues as follows:

Regarding claims 4-5 and 30-31, Applicants argues that Johnson fails to disclose the system and method for judging the request for the channel assignment for the service area based on the TDD method or the FDD method and the "maximum reception power value of a forward common channel of the mobile station related to the request" for assigning the channel. Examiner respectfully disagrees. Johnson does disclose system and method for allocating resources to the terminal in response to the criteria used in the system such as 'circumstances and characteristics' of the cellular telephone as disclosed in col. 9, lines 15-25; wherein the received power is estimated by the power estimator under the power control, e.g. "maximum reception power value of a forward common channel of the mobile station related to the request", as disclosed in col. 6, lines 2-10; in determining whether the TDD or FDD scheme is allocated disclosed in col. 10, lines 34-41. Therefore, Examiner concludes that Johnson teaches the arguable feature.

However, the description at column 6, lines 2-10 of Johnson relates to transmission power control. The received power estimated here is used for transmission power control. Johnson does not intend to use this received power for selecting one of TDD method and FDD method. Further, in Johnson, there is no suggestion to use the received power for selecting one of TDD method and FDD method.

Therefore, Claims 4-5 and 30-31 are not anticipated by, nor rendered unpatentable over, Johnson.

Further, in Claims 4 and 30, a channel for a service area based on a FDD method is assigned, if the maximum reception power value of a forward common channel is low, while in Johnson, there is no description regarding which method is assigned, if the estimated received power is low. Therefore, also from this point of view, Claims 4 and 30 has novelty and non-obviousness over Johnson.

Further, in Claims 5 and 31, a channel for a service area based on a TDD method is assigned, if the maximum reception power value of a forward common channel is high, while in Johnson, there is no description regarding which method is assigned, if the estimated received power is high. Therefore, also from this point of view, Claims 5 and 31 has novelty and non-obviousness over Johnson.

The Office Action continues (see page 13, lines 1-13 of the Office Action) as follows:

In regard to claims 8-25 and 33-46, Applicants argues that Johnson fails to disclose the system and method for "detecting the mobile station to which the channel for the service area based on the method TDD or FDD is currently assigned and the channel based on the other method can be assigned". Examiner respectfully disagrees. Johnson does disclose system and method for allocating resources to the terminal in response to the criteria used in the system such as 'circumstances and characteristics' of the cellular telephone as disclosed in col. 9, lines 15-25; wherein the cellular telephone determines the characteristics of the service being request as disclosed in col. 8, lines 29-31; to send the base station the request supporting by FDD or TDD schemes as disclosed in col. 7, lines 35-45; upon receive the request, the base station

determines the scheme to use FDD or TDD, e.g. "detecting the mobile station to which the channel for the service area based on the method TDD or FDD is currently assigned and the channel based on the other can be assigned", as disclosed in Fig. 8; col. 8, line 51 through col. 9, line 33. Therefore, Examiner concludes that Johnson teaches the arguable feature."

According to this comment, the Office Action may be assuming that the mobile station to which a channel based on TDD or FDD method has been assigned after the process of Figure 8 of Johnson has been completed, corresponds to "a mobile station to which a channel for a service area based on a TDD (FDD) method is currently assigned and a channel for a service area based on a FDD (TDD) method can be assigned" as recited in claims 8-15, 18-25, 33-40 and 43-46.

However, the present invention of claims 8-15, 18-25, 33-40 and 43-46 detects such mobile station and switches the assigned channel of the detected mobile station. In contrast, the process of Figure 8 of Johnson assigns a channel to a mobile station and that's all. It does not switch the assigned channel of a mobile station. Therefore, Claims 8-15, 18-25, 33-40 and 43-46 has novelty and non-obviousness over Johnson.

As we described above, since Claims 2-5, 8-15, 18, 20, 24 and 25 has novelty and non-obviousness over Johnson, the present invention of claim 26 depending on Claims 2-5, 8-15, 18, 20, 24 and 25 also has novelty and non-obviousness over Johnson. Further, since Claims 28-31, 33-40 and 43-46 has novelty and non-obviousness over Johnson, the Claims 47-48 depending on claims 28-31, 33-40 and 43-46 also has novelty and non-obviousness over Johnson.

Therefore, all of the pending claims are allowable over the cited art of record. In the event that the Examiner finds remaining impediment to a prompt allowance of this application

that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14<sup>th</sup> day of November, 2005.

Respectfully submitted,



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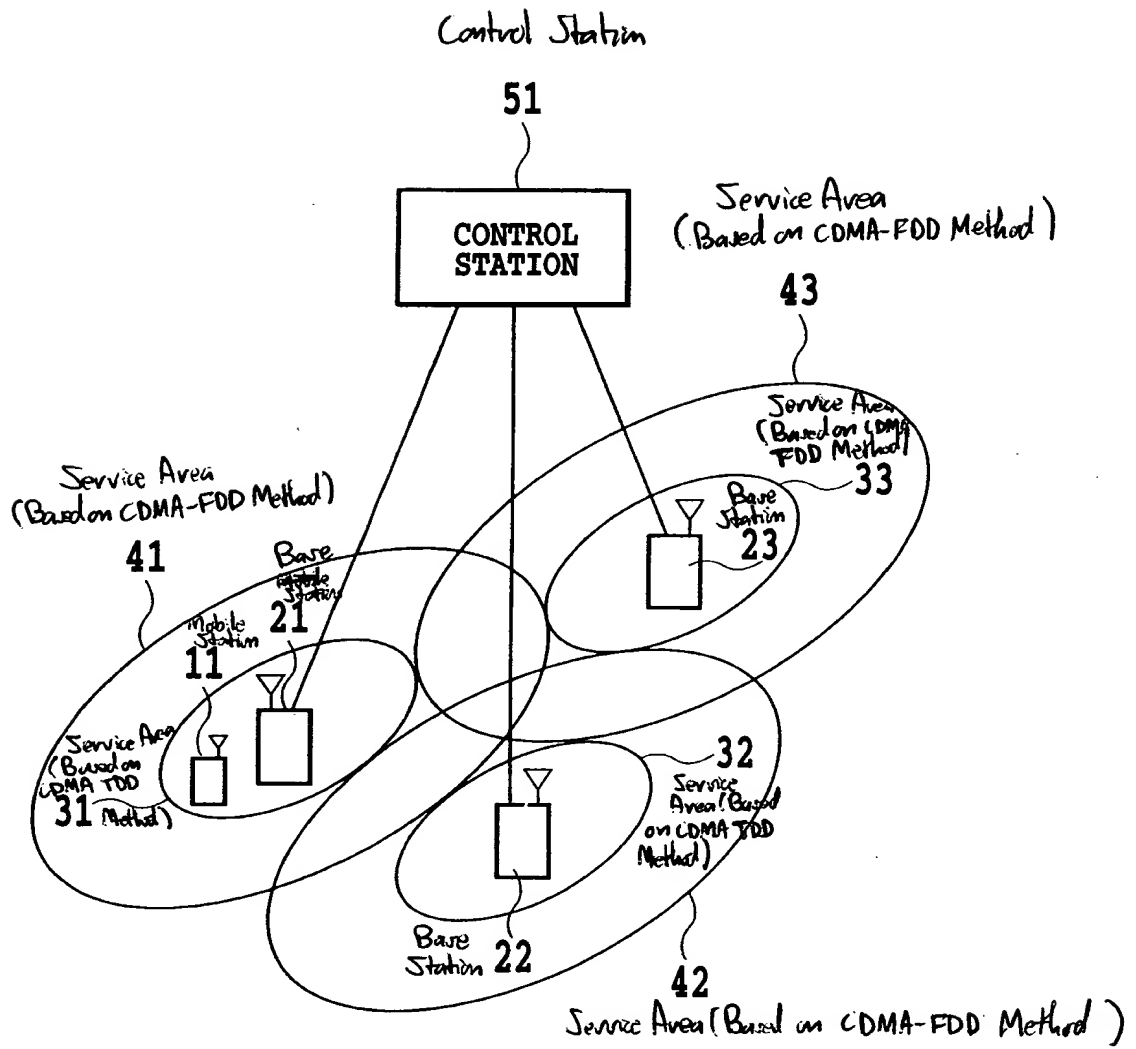
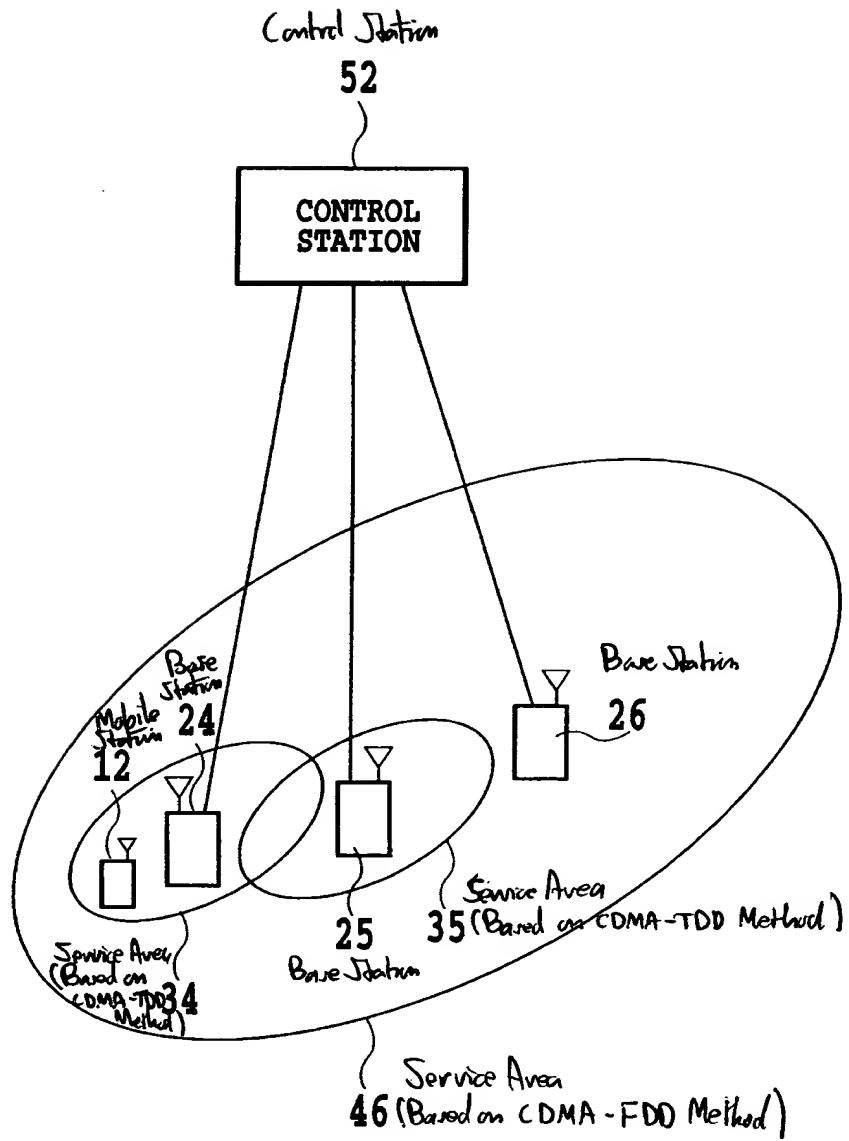
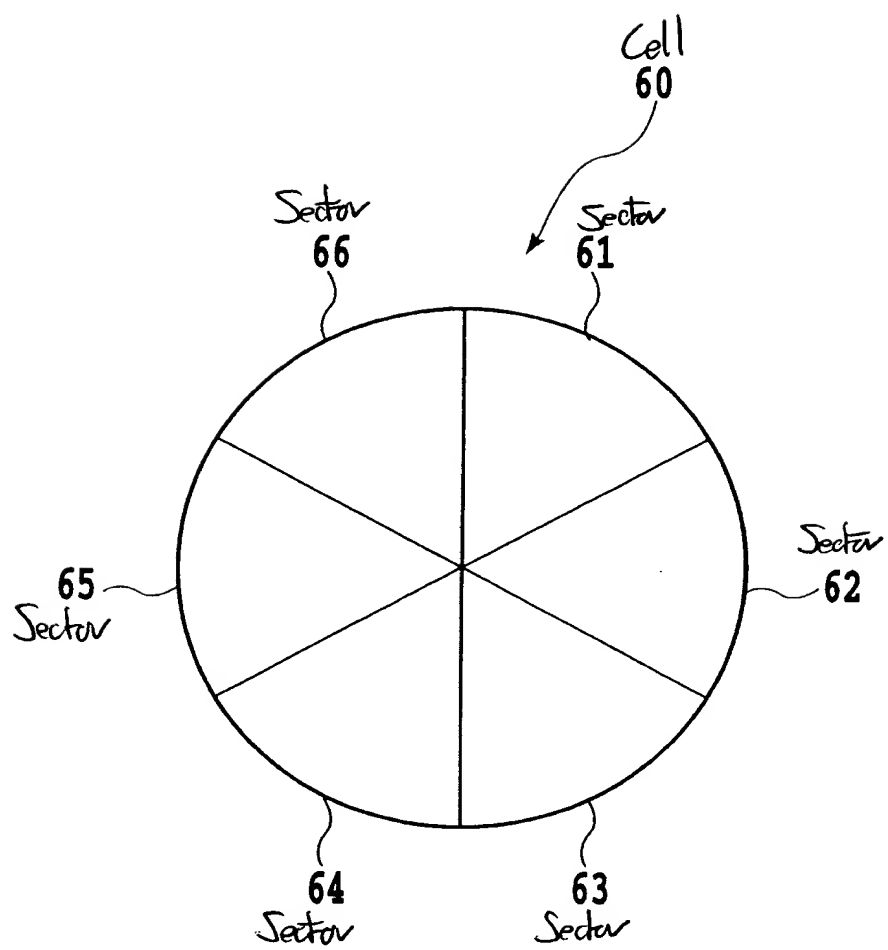


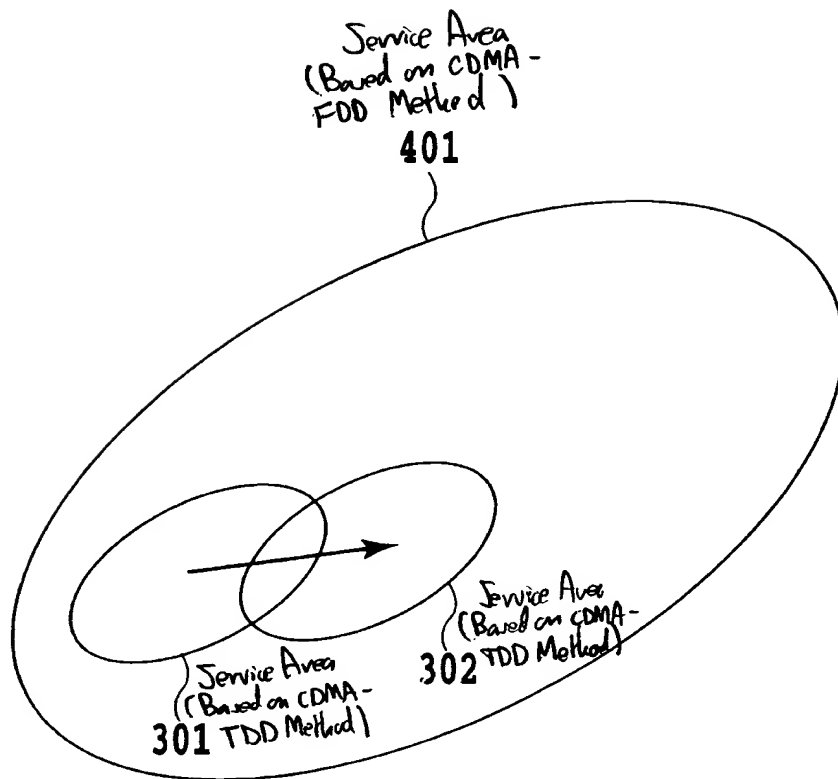
FIG.1

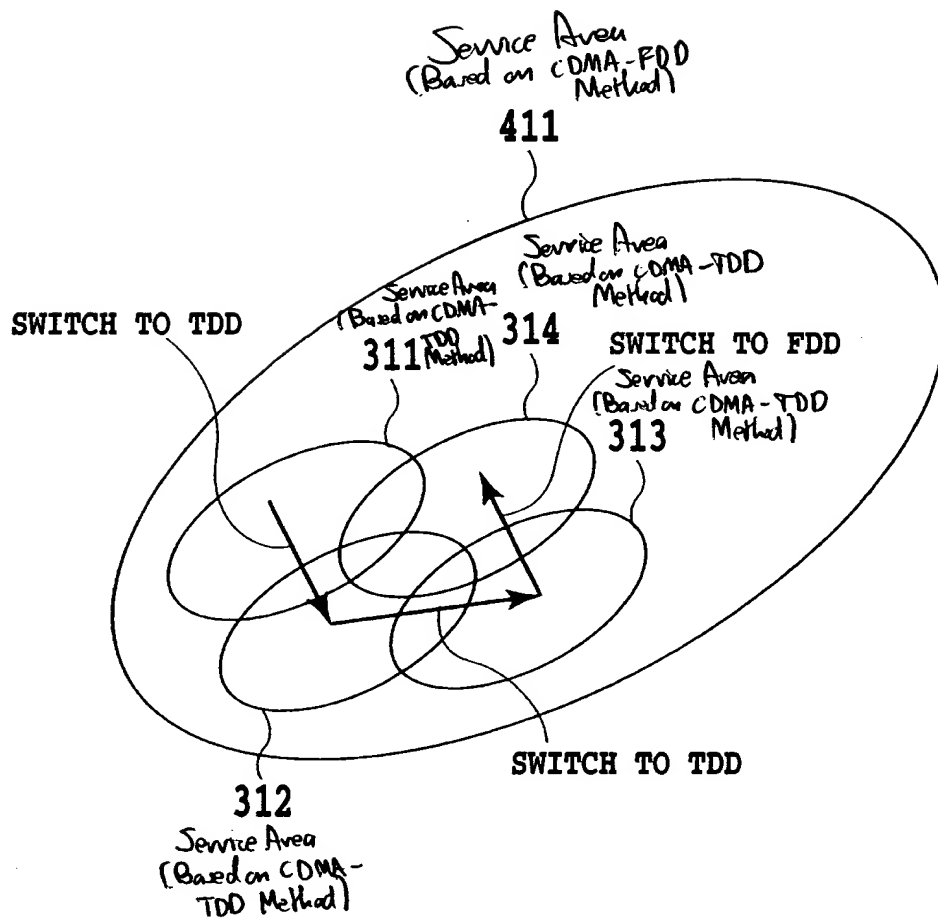


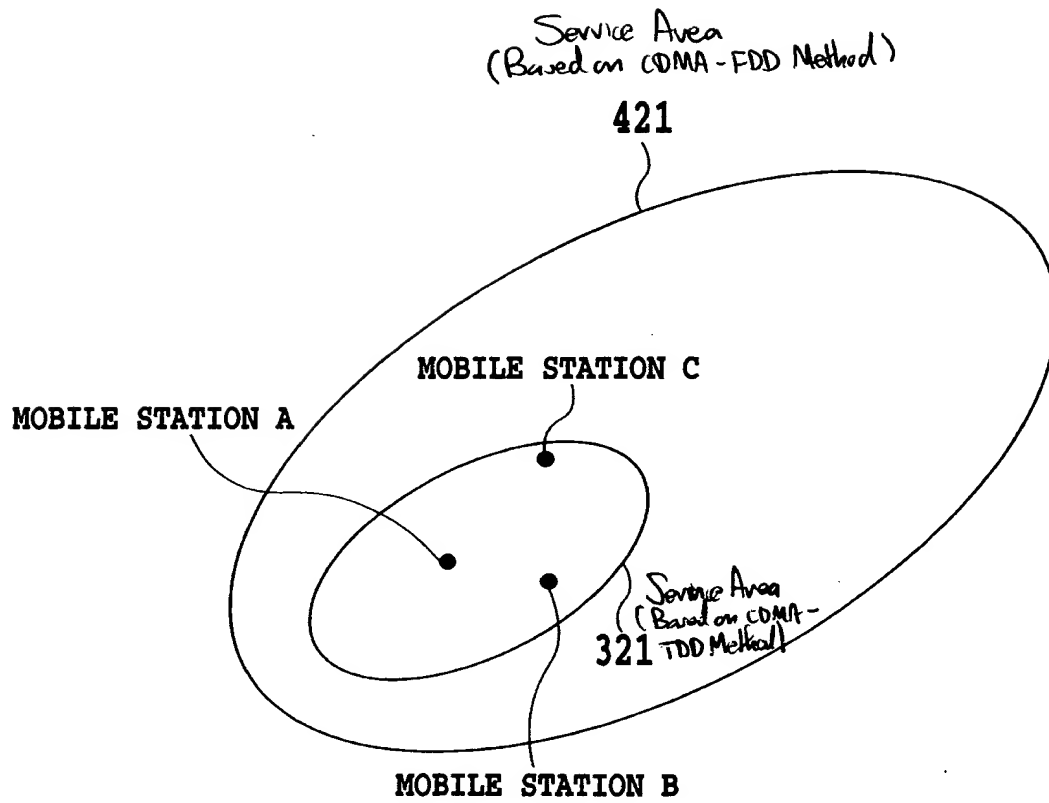
**FIG.3**



**FIG.4**

**FIG.5**

**FIG.6**

**FIG.7**